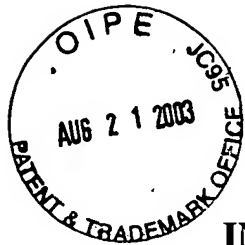


AUG 25 2003

DAC\$  
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ATTORNEY DOCKET NO. WEI002/148202

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Fishman, et al

Serial No.: 09/416,081

Group No.: 2633

Date Filed: October 12, 1999

For: Multichannel Optical Communication  
System and Method Utilizing Wavelength  
and Coherence Division Multiplexing

Examiner: Sedighian, M.R.

**RECEIVED**

Box DAC  
Attention: Office of Petitions  
Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

AUG 27 2003  
OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

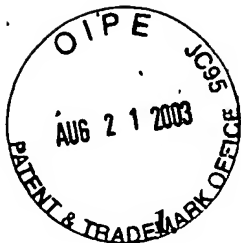
Dear Sir:

The above-identified application became abandoned for failure to file Formal Drawings in Response to the Notice of Allowance as issued by the Patent and Trademark Office on November 6, 2002. The date of abandonment is the day after the expiration date of the period set for reply in the Notice of Abandonment; namely March 13, 2003.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

Note: A grantable petition requires the following items:

- (1) Petition Fee
- (2) Reply and/or Issue Fee
- (3) Terminal Disclaimer with Disclaimer Fee – required for all utility and plant applications filed before June 8, 1995; and
- (4) Statement that the entire delay was unintentional



### Petition Fee

- ☒ **Small Entity – fee \$ 650.00 (37 CFR 1.17(m)).**  
☐ Small Entity Statement enclosed herewith.  
☐ Small Entity Statement previously filed.  
☐ Other than small entity – fee \_\_\_\_\_ (37 CFR 1.17(m))

### 2. Reply and/or Fee

- A. The reply and/or fee to the above-noted Office Action in the form of:  
**Formal drawings** (identify type of reply):

- ☐ Has been previously filed on \_\_\_\_\_  
☒ Is enclosed herewith.

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- B. The issue fee of \$650.00  
☒ Has been previously paid on March 17, 2003.  
☐ Is enclosed herewith.

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### 3. Terminal Disclaimer with Disclaimer Fee

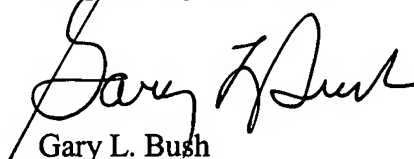
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A Terminal Disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

### 4. Statement.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Applicant notes that Revocation and Substitution Power of Attorney will be separately filed for this application. Until then, Applicant respectfully requests that this Petition for Revival be granted as submitted by the undersigned.

Respectfully submitted,



Gary L. Bush  
Registration No. 27,423

8-19-03

Andrews & Kurth, L.L.P.  
600 Travis, Suite 4200  
Houston, Texas 77002  
713/220-4726 (office)  
713/220-4285 (facsimile)

Date: *August 19*, 2003

Customer No. 23,444

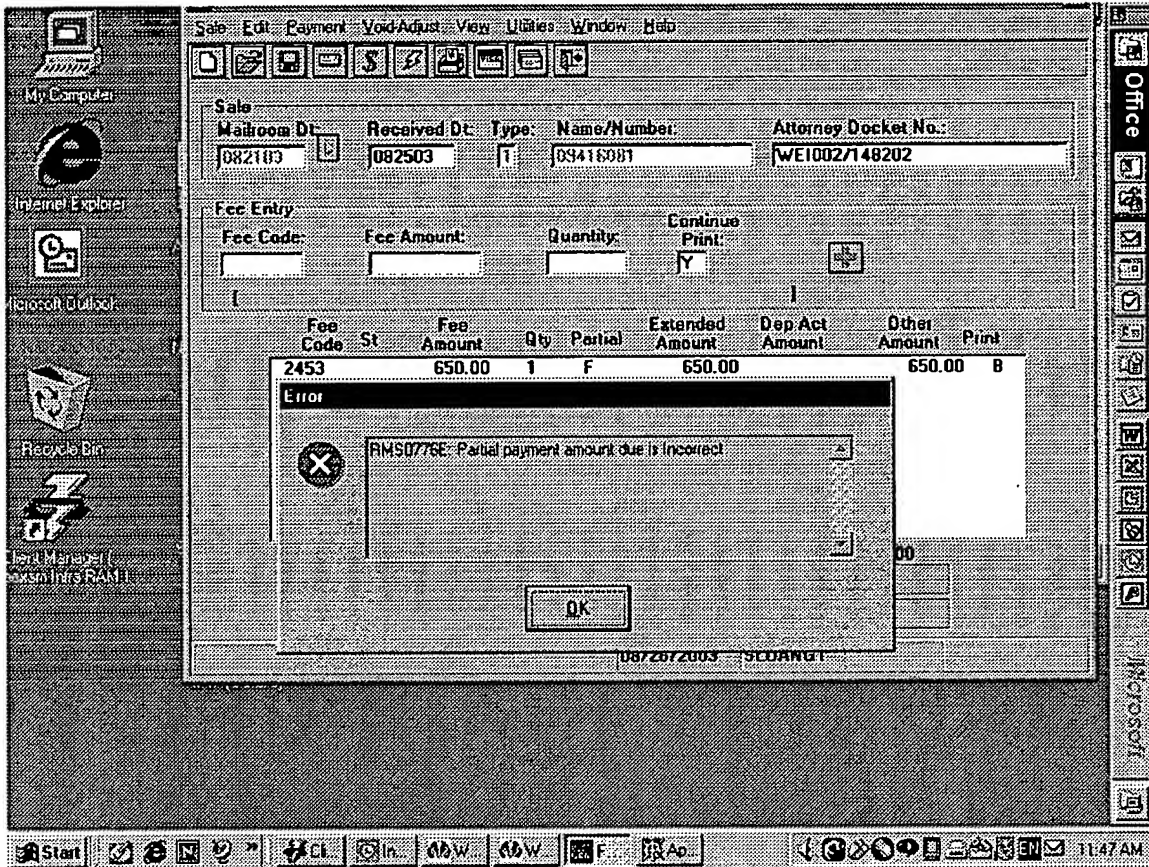


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